

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TERESA FARRELL,

Plaintiff,

-against-

ORDER

04-CV-3412(JS)(ARL)

KING KULLEN GROCERY COMPANY, INC.,

Defendant.

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Appearances:

For Plaintiff: Andrew James Schatkin, Esq.  
Law Offices of Andrew Schatkin  
350 Jericho Turnpike  
Jericho, New York 11753

For Defendant: Bernard Paul Kennedy, Esq.  
Kennedy & Associates  
179 EAB Plaza  
Uniondale, New York 11556-0179

SEYBERT, District Judge:

Upon review of the Report and Recommendation of Magistrate Judge Arlene Rosario Lindsay, dated October 5, 2005, to which no party has objected,<sup>1</sup> the Court hereby ADOPTS the Report and Recommendation in its entirety.

Teresa Farrell ("Plaintiff") commenced this action on August 10, 2004, against Defendant, King Kullen Grocery Company, Inc., claiming employment discrimination based on her disability. Plaintiff moved to amend the Complaint on August 18, 2005. This Court referred Plaintiff's application for amending the Complaint

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<sup>1</sup> As no party has filed objections to the Report and Recommendation, all objections are hereby deemed to have been waived. See 28 U.S.C. § 636(b)(1); FED R. CIV. P. 72; Beverly v. Walker, 118 F.3d 900, 902 (2d Cir. 1997); Savoie v. Merchants Bank, 84 F.3d 52, 60 (2d Cir. 1996).

to Magistrate Judge Lindsay. Judge Lindsay reports and recommends to this Court that Plaintiff's request to amend the Complaint be denied. After carefully reviewing the submissions of the parties, Judge Lindsay's findings, and applying the appropriate legal standards, this Court concludes that Judge Lindsay properly denied Plaintiff's request to amend the Complaint.

Accordingly, the Court hereby adopts the Report and Recommendation in its entirety and DENIES Plaintiff's application to amend the Complaint.

SO ORDERED

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York  
November 16, 2005